

**REMARKS**

Claims 1-11 and 13-40 are pending. Claims 1, 10, 11, 13-15, 18, 23, and 26 have been amended, claim 12 has been canceled, and claims 32-40 have been added to recite additional features of Applicants' invention.

Reconsideration of the application is respectfully requested for the following reasons.

**I. The Rejection under 35 USC § 112, Second Paragraph, and Objections.**

In the Office Action, the Examiner rejected claims 1-6, 8-10, 11-15, 18, 20-27, and 28-31 for omitting recitation of when the duplex exchange operation is performed. The independent claims have been amended to recite that the duplex exchange operation is performed in response to detection of failure condition., which, for example, may be a power failure. It is respectfully submitted that these amendments are sufficient to overcome the § 112, second paragraph rejection.

The Examiner further indicated that claims 2, 4-6, 12, 13, and 23-25 would be considered allowable if rewritten into independent form to recite the features of their base and intervening claims. Claim 11 has been amended to recite the subject matter of claim 12 (now cancelled), and claims 13 and 23 have been rewritten into an independent form. With the § 112 rejection removed, it is respectfully submitted that claims 11, 13, 23, and their dependent claims are in condition for allowance.

Claims 10 and 15 were found to be objectionable based on a typographical error. The claims have been amended to correct this error.

The specification was found to be objectionable for containing typographical errors. Amendments have been made to correct these errors.

**II. The Rejection under 35 USC § 102(a).**

The Examiner rejected claims 11, 14, and 15 for being anticipated by the system shown in Figures 2 and 3 of the application drawings. To obviate this rejection, claim 11 has been amended to recite the features of claim 12, which has been indicated to be allowable by the examiner. Accordingly, it is respectfully submitted that claim 11 and its dependent claims are in allowable form. In addition to these changes, claim 13 has been rewritten into independent form to also place it into condition for allowance.

**III. The Rejection under 35 USC § 103(a).**

The Examiner rejected claims 1, 3, 18-22, and 26-31 for being obvious over a combination of the Figure 2 system and the Takase patent. Applicants traverse this rejection for the following reasons.

Claim 1 recites broadly embodiments of the invention disclosed in the specification. In particular, claim 1 recites a control unit for performing a duplex exchange operation between an active node and a standby node. This control unit “maintains a message transmission function

and disables a message receiving function” of the active node and “initiates a message receiving function” of the standby node during exchange. In the Office Action, the Examiner indicated that the Figure 2 system does not include these features. To make up for these deficiencies, the Takase patent was cited.

The Takase patent discloses a system for switching cells between a primary and a standby system. As shown in Figure 1, the primary system 3a (System 0) includes a cell buffer, an internal switch control, and the standby system 3b (System 1) includes a similar construction. Cells are switched through these systems based on the output of a control bit setting unit 22.

Claim 1 is different from the Takase patent in at least two respects.

First, claim 1 recites a control unit which “disables a message receiving function of the active node during a duplex exchange operation.” The Takase patent does not teach or suggest these features. Initially, in Takase, Systems 0 and 1 are both set to active status, which means that both systems perform message transmission and message receiving functions. (See column 4, lines 39-42). During operation, System 0 is maintained in active status and System 1 is placed in standby status based on a signal output from the control bit setting unit.

Unlike claim 1, during active status, System 0 (active node) continues to perform both message transmission and message receiving functions. It is therefore clear that the Takase patent does not teach or suggest a control unit which “disables a message receiving function of an active node” during a duplex exchange operation as recited in claim 1.

Second, claim 1 recites that the control unit “initiates a message receiving function” of the standby node during a duplex operation. The Takase patent also fails to teach or suggest these features. As disclosed at column 4, lines 46-57, when System 1 switches to standby node, its message receiving function is disabled and only its message transmission function is maintained. However, this is the exact opposite operation as recited in claim 1, i.e., the control unit of claim 1 “initiates” or turns on a message receiving function of the standby node during duplex exchange.

The foregoing differences therefore reveal that the claimed invention and Takase operate in very different ways, and that Takase fails to make up for the deficiencies of the Figure 2 system. Based on these differences, it is respectfully submitted that claim 1 and its dependent claims are non-obvious and thus patentable over a Figure 2-Takase combination.

Claim 18 recites a controlling unit which “maintained a message transmission function and disables a message receiving function of an active node” and “activates a message receiving function and disables a message transmission of a standby node during a duplex exchange operation.” The Takase patent does not teach or suggest these features. As discussed above, in Takase, both the transmitting and receiving functions of System 0 (active node) are maintained. Also, in System 1 (standby node) the receiving function is disabled and the transmitting function is maintained. The Takase patent therefore fails to teach or suggest the functions of the control unit recited in claim 18. Based on these differences, it is respectfully submitted that claim 18 and its dependent claims are patentably distinguishable from a Figure 2-Takase combination.

Claim 26 recites a control method which initiates a duplex exchange operation between active and standby nodes. This method includes “disabling a message receiving and maintaining a message transmitting function of an active node.” The Takase patent does not teach or suggest these features. Rather, Takase discloses that System 0 (active node) maintains both of its message receiving and message transmitting functions during an exchange. Based on these differences, it is respectfully submitted that claim 26 and its dependent claims are patentably distinguishable from a Figure 2-Takase combination.

The Examiner rejected claims 16 and 17 under 35 U.S.C. § 103(a) for being obvious over a Figure 2-Allisson combination. Applicants traverse this rejection on grounds that claims 16 and 17 depend from claim 11, which has been amended to recite allowable subject matter. Accordingly, it is respectfully submitted that claims 16 and 17 are in allowable form.

The Examiner rejected claims 7-10 under 35 U.S.C. § 103(a) for being obvious over a Figure 2-Takase-Allisson combination. Applicants traverse this rejection for the following reasons.

Claims 7-10 dependent either directly or indirectly from claim 1. In order to render these claims obvious, the Allison patent must therefore teach or suggest the features of claim 1 missing from the Figure 2 system and the Takase patent. The Allison patent was cited for its disclosure of enabling a battery backup when a power failure occurs. The Allison patent does not teach or suggest a duplexing controlling unit which maintains a message transmission function and

disables a message receiving function of an active node and initiates a message receiving function of a standby node during a duplex exchange operation.

Absent of teaching or suggesting these features, it is respectfully submitted that a Figure 2-Takase-Allisson combination cannot render claim 1 obvious. It is therefore respectfully submitted that claims 7-10 are allowable over this combination, not only by virtue of their dependency of claim 1 but also based on the features separately recited therein.

New claims 32-40 have been added to the application.

Claim 32 recites that the control unit of claim 1 “maintains a message transmission function of the standby node in a disabled state during the duplex exchange operation.” The Takase patent does not teach or suggest these features. Accordingly it is submitted that claim 32 is allowable, not only by virtue of its dependency from claim 1, but also based on the features separately recited therein.

Claim 33 recites that the active node of claim 1 “transmits one or more prepare signals to the standby node indicating the start of the duplex exchange operation.” None of the cited references teach or suggest these features.

Claim 34 recites that the “message receiving function of the standby node is initiated and the message transmission function of the standby node is maintained in a disabled state in response to said one or more prepare signals.” None of the references of record teach or suggest these features.

Claim 35 recites that the control unit of claim 1 is included with the active node and outputs said one or more prepare signals. None of the references of record teach or suggest these features.

Claim 36 recites that the active node of claim 1 “includes a transmission buffer and a receive buffer, each of which outputs a status signal to the control unit indicating that respective one of the buffers is empty.” None of the references of record teach or suggest these features.

Claims 37-40 recite features similar to those mentioned above but depending from claim 18.

Reconsideration and withdrawal of all the rejections and objections in the Office Action is respectfully requested. In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance of the application is respectfully solicited.

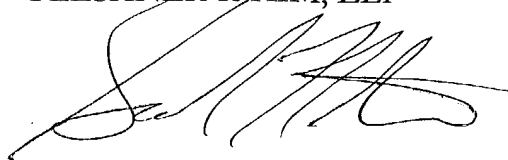
If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, Samuel W. Ntiro, at the telephone number listed below.

**Serial No. 09/672,782**

**Docket No. P-0132**

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,  
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